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3869-019 CON B

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : BERTHON-JONES, Michael  
Serial No. : 10/726,114  
Filed : December 01, 2003  
Art Group Unit : 3761  
Examiner : Not Yet Assigned  
Title : DETERMINATION OF LEAK AND  
RESPIRATORY AIRFLOW

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir;

Enclosed is the Information Disclosure Statement Form. It is respectfully requested that the cited documents be considered and that the enclosed copy of Information Disclosure Statement Form be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant.

Pursuant to 37 C.F.R. § 1.97 (g) and (h), the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability. This application is a continuation of an earlier application, 09/902,011 filed July 10, 2001 now Patent 6,659,101 which is a continuation of 09/525,042 filed March 14, 200 now Patent 6,279,569 which is a continuation of 08/911,513 filed August 14, 1997 now Patent 6,152,129.

Enclosed for filing is Form PTO/SB/08A, together with the five (5) foreign patent applications and two (2) non-patent documents cited.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN

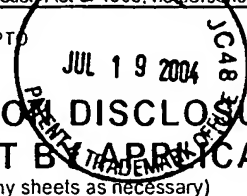
A handwritten signature in black ink, appearing to read "M. Rackman", written in a cursive style.

Michael I. Rackman  
Reg. No. 20,639  
Attorney for Applicant  
270 Madison Avenue, 8<sup>th</sup> Floor  
New York, NY 10016  
(212) 684-3900

July 15, 2004

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Substitution for form 1449/PTO <div style="text-align: center;">   <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>          (Use as many sheets as necessary)       </div>		<b>Complete if Known</b>	
Sheet	1	of	3
		Application Number	10/726,114
		Filing Date	December 01, 2003
		First Named Inventor	BERTHON-JONES, Michael
		Art Unit	3761
		Examiner Name	Not Yet Assigned
		Attorney Docket Number	3869-019

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code 2 (if M-)			
	A	US- 6,119,686	09/2000	Somerson et al.	
	B	US- 4,674,492	06/1987	Niemeyer	
	C	US- 5,433,193	07/1995	Sanders et al.	
	D	US- 5,803,065	09/1998	Zdrojkiwski et al.	
	E	US- 5,970,975	10/1999	Estes et al.	
	F	US- 5,865,174	02/1999	Kloppel	
	G	US- 6,152,129	11/2000	BERTHON-JONES	
	H	US- 6,006,748	12/1999	Hollis	
	I	US- 6,029,660	02/2000	Callaud et al.	
	K	US- 5,303,700	4/19/1994	Dieter Weisman et al.	
	L	US- 5,535,738	07/16/1996	Mark C. Estes et al.	
	M	US- 5,107,830	04/28/1992	Magdy Younes	
	N	US- 5,794,615	08/18/1998	Mark C. Estes	
	O	US- 6,532,957	03/18/2003	BERTHON-JONES	
		US- 4,587,967	5/13/86	CHU, et al	
		US- 5,799,652	9/1/98	KOTLIAR, Iaor K	
		US- 6,279,569	08-2001	BERTHON-JONES, M	
		US- 6,425,395	07-2002	BREWER et al	
		US- 6,345,619	02-2002	FINN, Shane Darren	

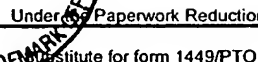
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.*	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T 6
		Country Code 3 - Number 4 - Kind Code 5 (if known)				
		AU A 39130	11/30/1995			
		GB 2077444	06/05/1981			
		0606687	12/27/1993			
		WO 9211054	06/07/1991			
		EPA 0714670	04/12/1995			

Examiner Signature	Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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*(Use as many sheets as necessary)*

Sheet	2	of	3
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Application Number	10/726,114
Filing Date	December 01, 2003
First Named Inventor	BERTHON-JONES, M
Art Unit	3761
Examiner Name	Not Yet Assigned
Attorney Docket Number	3869-019

[illegible][illegible]

**Examiner  
Signature**

Date  
Considered

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PTO/SB/088 (02-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/726,114		
		Filing Date	December 01, 2003		
		First Named Inventor	Berthon-Jones, Michael		
		Art Unit	3761		
		Examiner Name	Not Yet Assigned		
Sheet	3	of	3	Attorney Docket Number	3869/019

OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		COHEN et al. "Breath Detection using Fuzzy Sets and Sensor Fusion", Proceedings of the Annual International Conference of the IEEE Engineering in Medicine and Biology Society, New York, IEEE, vol. 16, 1994 pages 1067-1068; ISBN: 0-7803-2051-4	
		KLIR et al., "Fuzzy Sets and Fuzzy Logic: Theory and Applications", Prentice Hall Inc., Saddle River, New Jersey, 1995, ISBN 0-13-101171-5; page 50-51, 327-338	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/21 (02-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/726,114
Filing Date	December 01, 2003
First Named Inventor	BERTHON-JONES, Michael
Art Unit	3761
Examiner Name	Not Yet Assigned
Attorney Docket Number	3869-019 CON B
Total Number of Pages in This Submission	

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Seven(7) references cited - IDS Statement - Return Receipt Postcard
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Michael I. RACKMAN GOTTLIEB, RACKMAN & RESIMAN
Signature	<i>Michael Rackman</i>
Date	July 15, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Susan PIPERNO		
Signature	<i>Susan PIPERNO</i>	Date	July 15, 2004

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